

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EMANUEL DELACRUZ, ON BEHALF OF  
HIMSELF AND ALL OTHER PERSONS  
SIMILARLY SITUATED,

Plaintiffs,

v.

BED BATH & BEYOND INC.,

Defendant.  
----- X

Civil Action No.: 1-19-cv-09852-AT

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE THAT**, upon the annexed Memorandum of Law in Support of Plaintiff's Motion to Stay before the Honorable Analisa Torres, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan, United States Courthouse, 500 Pearl St., Courtroom 15D New York, NY 10007. Plaintiff, Emanuel Delacruz hereby moves for an Order Staying Discovery pursuant to FRCP 26 (c)(4).


Dated: New York, New York  
February 11, 2020

DENIED. Discovery shall proceed as set out in the case management plan and scheduling order. ECF No. 19. "Discovery should not be routinely stayed simply on the basis that a motion to dismiss has been filed." *Republic of Turkey v. Christie's, Inc.*, 316 F. Supp. 3d 675, 677 (S.D.N.Y. 2018) (internal quotation marks and citation omitted). In this case, discovery is unlikely to be especially broad or burdensome; the Court finds that the delays in litigation occasioned by a stay are not justified.

The Clerk of Court is directed to terminate the motions at ECF Nos. 23 and 24.

SO ORDERED.

Dated: February 12, 2020  
New York, New York

  
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ANALISA TORRES  
United States District Judge

Respectfully Submitted,  
GOTTLIEB & ASSOCIATES

By: s/Jeffrey M. Gottlieb  
Jeffrey M. Gottlieb, Esq.  
Gottlieb & Associates  
150 East 18th Street  
New York, NY 10003  
Email: [Jeffrey@gottlieb.legal](mailto:Jeffrey@gottlieb.legal)  
Phone: (212) 228-9795  
Fax: (212) 982-6284

*Attorneys for Plaintiffs*